

Our ref: 10762P3 WO/DM/RAH

Your ref:

Date: 28 July 2004

BY FACSIMILE & POST

International Preliminary Examining Authority
European Patent Office
D-80298
Munich
GERMANY

Dear Sirs

International Patent Application No. PCT/GB2003/004422
Reckitt Benckiser Inc et al
Due Date: 29 July 2004

This letter is responsive to the PCT – Written Opinion dated 29 Apr 2004.

The applicant thanks the Examiner for the acknowledgement of novelty over the prior art documents of record. The applicant respectfully maintains that the present invention as presently claimed is properly considered to exemplify an inventive step over the prior art of record as well.

The compositions of D1 (GB 2304115) relates to blooming type compositions comprising as essential constituents:

- (a) pine oil,
- (b) a nonionic surfactant having a cloud point of 20°C or less,
- (c) a solubilizing agent which is effective in increasing the miscibility of pine oil in water, e.g, lower alkyl organic solvents including alcohols, glycols, and the like and
- (d) water.

In addition to the foregoing essential constituents, one or more further optional constituents may also be present, including *inter alia*, germicidal agents especially quaternary ammonium compounds, and surfactants including anionic, further nonionic, cationic and amphoteric and zwitterionic surfactants.

Notwithstanding the rather broad written recitation of constituents discussed in D1, the compositions of the present application can be distinguished as good blooming behavior is achieved by the claimed compositions although these compositions fail to include the same necessary constituents of D1 to which that document's good blooming characteristics are attributed. As is evident from D1, the essential constituents recited as (a), (b), (c) and (d) function to provide a "system" which retains a transparent appearance when in a concentrated form but which, when mixed with a larger proportion of water causes a very different

appearance which produces the "blooming" appearance to such a mixture. It would be understood by a skilled artisan, that removal of even one of these essential constituents recited as (a), (b), (c) and (d) would disrupt the function of the D1 concentrate compositions.

In contrast to this specific set of necessary constituents of D1, the constituents of the present invention require a different set of essential constituents, namely (a) a non-cationic antimicrobial agent, (b) a water soluble organic solvent, (c) an anionic soap surfactant, (d) a hydrocarbon diluent, (e) a pine oil constituent, and (g) water. By inspection, it is evident that these (a) - (g) constituents provide a "system" which retains a transparent appearance when in a concentrated form but which, when mixed with a larger proportion of water provides the "blooming" appearance to such a mixture. By inspection it is also very apparent that the "system" of D1 is different and easily distinguishable from the "system" of the present invention. It is the applicant's view that the discovery of a "system" which shows good stability in its concentrated form and later which demonstrates a good blooming characteristic when added to a larger aliquot of water to form a working composition is not a trivial exercise, nor one which is easily arrived at without the exercise of an inventive facility.

The presently claimed compositions are further distinguishable from the D1 compositions in that, in addition to a different set of essential constituents, in certain preferred embodiments the D1 compositions fail to suggest the inclusion of insecticidal compositions.

With respect to the compositions of D2 (WO 97/06230), the disclosed compositions are directed to various slightly different embodiments of aqueous blooming type compositions having different "blooming systems" which necessarily include as essential constituents either:

(I) a cationic quaternary ammonium surfactant with an anionic carboxylated alcohol alkoxylate and a surfactant compatibilizing agent (certain metal salts, certain betaine surfactants);

or,

(II) pine oil, a pine oil solubilizing agent, further with the prior (a) a cationic quaternary ammonium surfactant with an anionic carboxylated alcohol alkoxylate and a surfactant compatibilizing agent;

or,

(III) pine oil, a pine oil solubilizing agent, further with (d) a nonionic surfactant having a cloud point of 20°C or less.

Each of the different embodiments may include one or more further optional constituents including *inter alia*, germicidal agents especially quaternary ammonium compounds as well as germicidal constituents based on phenolic compounds, and surfactants including anionic, further nonionic, cationic and amphoteric and zwitterionic surfactants.

Nonetheless, while the D2 specification recites various classes of potentially useful constituents, it is readily evident by inspection that the essential constituents in each of the (I),

- (II), (III) "systems" of constituents which provide the good blooming behavior in the D2 compositions are different from, and fail to require the same necessary constituents as that of the presently claimed compositions. While D2 generally discusses a wide variety of optional constituents in its specification, nowhere however does it *ipsis verbis* exemplify the specific compositions, or the specific constituents (a) – (g) as presently taught and claimed in the present application.

The presently claimed compositions are further distinguishable from the D2 compositions in that, in addition to a different set of essential constituents, in certain preferred embodiments the D2 compositions fail to suggest the inclusion of insecticidal compositions.

It is believed that it would now be appropriate to issue a clear International Preliminary Examination Report. However, should the Examiner have any remaining objections, we would be grateful if a second Written Opinion would be issued, bearing in mind the deadline for establishing the International Preliminary Examination Report is 12 February 2005.

EPO Form 1037 to enable you to acknowledge safe receipt of these documents.

Yours faithfully
RECKITT BENCKISER plc

John C McKNIGHT
Agent for the Applicants

Enc.

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